

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

OLLEN G. COLBERT, Jr.
3475 Vine St.
Cincinnati, Ohio 45220

Plaintiff,

vs.

CINCINNATI GAS AND ELECTRIC CO.
139 E. Fourth St.
Cincinnati, Ohio 45202

and

**INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 1347**
4100 Colerain Avenue
Cincinnati, Ohio 45223-2590

Defendants.

) Case No.: C-1-00-909

)
) Judge Susan J. Dlott
) Magistrate Judge Timothy J. Hogan

) **PLAINTIFF'S MOTION FOR**
) **EXTENSION OF TIME**

COMES now Plaintiff, Ollen G. Colbert, Jr., by and through counsel, Rose Ann Fleming, to respectfully request the Court for an extension of time for Plaintiff to file his Memorandum in Opposition to the Motion to Strike *Plaintiff's Affidavit, and Affidavits of Dudley Quarles and Leon Waters* by Defendant Cincinnati Gas & Electric Company. (Doc.106).

Ariane S. Johnson, Counsel for Defendant, Cinergy/The Cincinnati Gas and Electric Company, and Jerry Spicer, Counsel for Defendant, International Brotherhood of Electrical Workers, Local 1347, have agreed to an extension of time from April 26, 2005 to May 2, 2005. This is the first extension on this matter that Plaintiff has requested. The reason for this request is specifically stated in the attached affidavit.

s/Rose Ann Fleming

Rose Ann Fleming

Bar Id. #0041337

Attorney for Plaintiff

Rose Ann Fleming Professional Legal Corp.

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Cincinnati, OH 45207

Phone: 513-924-8389

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AFFIDAVIT OF ATTORNEY IN SUPPORT OF MOTION TO EXTEND TIME

STATE OF OHIO

)

) SS:

COUNTY OF HAMILTON

)

I, Rose Ann Fleming, the undersigned, having been duly warned and cautioned, do hereby depose and state:

1. I am an attorney in good standing.

2. I am Counsel for Plaintiff in the above captioned matter.

3. I need additional time, from April 26, 2005 to May 2, 2005 to complete Plaintiff's Memorandum in Opposition to Motion to Strike Affidavits of Plaintiff, Dudley Quarles and Leon Waters.


4. I need additional time to prepare specific defenses against Defendant CG&E's multiple reasons as to why the Court should strike these Affidavits.

5. I have been involved in several other law suits which have simultaneously absorbed my time; as a matter of justice, I am requesting an extension to develop arguments to defend my Client against losing his supporting Affidavits.

6. Counsel for Defendants have both graciously agreed to this request for an extension of time from April 26, to May 2, 2005.

7. I do not ask for this extension to cause useless delay.

AFFIANT FURTHER SAYETH NAUGHT.


/s/Rose Ann Fleming
Rose Ann Fleming, Affiant

Sworn to and subscribed in my presence, this 26th day of April, 2005.


Notary Public

My commission expires: 6/22/08



JANE A. ROBERTS
Notary Public, State of Ohio
My Commission Expires 06-22-08

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the Plaintiff's Motion to Extend Time was electronically filed using the Case Management/Electronic Case Filing (CM/ECF) system with the Office of the Clerk of Courts, United States Federal District Court for the Southern District of Ohio, Western Division, Potter Stewart U.S. Courthouse, 100 E. Fifth Street, Cincinnati, Ohio 45202 on the 26 day of April, 2005. Such filing will send notification of such filing to the following Counsel for Defendants:

Ariane S. Johnson, Esq.
Cinergy
Cincinnati Gas and Electric Company
1000 East Main Street
Plainville, IN 46168

Jerry L. Spicer
International Brotherhood of Electrical Workers. Local 1347
Snyder Rakay Spicer
11 W. Monument Street, Suite 307
Dayton, OH 45402

Respectfully submitted,

s/Rose Ann Fleming
Rose Ann Fleming
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